



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re application of
Darren Kenneth Rogers
Serial No. 09/453,729
Filed: December 2, 1999
For: CELLULAR COAL PRODUCTS AND PROCESSES

DECISION ON
PETITION

This is a response to the REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT filed May 23, 2001. The request asks that the abandonment, as set forth in the Notice of Abandonment of April 23, 2001, for failure to timely file a proper response to the Office letter mailed on October 5, 2000, be withdrawn since the applicants did timely file a response, which included, an AMENDMENT, on November 16, 2000. (A copy of the AMENDMENT is attached to the instant request.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's response, the AMENDMENT, was properly filed on November 16, 2000 as evidenced by the properly completed Certificate of Mailing on the AMENDMENT. See MPEP 512. It is further noted that the petitioner has attested on a personal knowledge basis to the previous timely mailing of the AMENDMENT as is required by 37 C.F.R. 1.8(b)(3). Therefore, the application was never in-fact abandoned. Accordingly, any holding of abandonment for failure to timely file a proper response to the Office letter mailed on October 5, 2000 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for entry and processing of the AMENDMENT originally filed November 16, 2000 and consideration thereof.

The Petition is GRANTED.

Richard V. Fisher, Director
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